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BEFORE THE ARIZONA CORPORATION COMMISSION

2 JIM IRVIN

COMMISSIONER-CHAIRMAN

3 TONY WEST

COMMISSIONER

4 CARL J. KUNASEK

COMMISSIONER

5

6 IN THE MATTER OF THE COMPETITION IN
7 THE PROVISION OF ELECTRIC SERVICES
8 THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. RE-00000C-94-0165

8

9 **ATTORNEY GENERAL AND RUCO'S SUMMARY OF CONSENSUS ON REVISED**
10 **PROCEDURAL ORDER RECOMMENDATION**

10

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Introduction

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In accordance with the procedural directive given at the January 22, 1999 procedural conference, the Attorney General and RUCO conducted a meeting on January 26, 1999 which was attended by the interested stakeholders whose names appear on Exhibit A attached hereto. At that meeting comments and suggestions were made to amend the Attorney General/RUCO's January 4, 1999 procedural recommendation letter. Many suggestions were made to change the dates in the January 4, 1999 procedural recommendation letter, and a general consensus was reached to substitute the dates that Staff outlined in its January 25, 1999 letter to the Attorney General/RUCO.

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On January 26, 1999, the Attorney General/RUCO produced a revised procedural recommendation which was submitted to all parties who had attended any Attorney General-sponsored stakeholder meetings. Those receiving a copy of the January 27, 1999 procedural recommendation are identified on the list attached as Exhibit B.

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Pursuant to the January 26, 1999 procedural order, on January 28, 1999, parties who were not in complete agreement with the January 27, 1999 procedural recommendation submitted letters to the Attorney General/RUCO submitting comments. Because there was significant agreement

1 with the January 27, 1999 procedural recommendation letter, it is reproduced here with proposed
2 comments requested and changes noted.

3 **A. Parties/Representatives in agreement with the January 27, 1999 procedural**
4 **recommendation**¹:

5 Arizona Municipal Power Users' Association: Paul Michaud, Michael Curtis

6 Arizona Retailers' Association: Michelle Ahlmer

7 Arizona Transmission Dependent Utility Group & Irrigation Electrical Districts Assn.:

8 Robert Lynch

9 Arizona Utility Investors Association (AUIA): Bill Meek

10 Arizona Consumer Owned Systems (AECS): Jay Moyes

11 Arizona Consumers Council: Barbara Sherman

12 Arizona Community Action Association (ACCA): Betty Pruitt

13 Calpine Power Services: Douglas C. Nelson

14 Citizens' Utility Company: Craig Marks

15 City of Tucson: David Diebel

16 Fort Huachuca: Dan Neidlinger

17 Illinova: Lex Smith, Michael Patton

18 K. R. Saline & Associates: K. R. Saline

19 Mohave Electric Cooperative, Inc.: Michael Curtis

20 Navopache Electrical Cooperative, Inc.: Michael Curtis

21 NEV Southwest: Chuck Miessner

22 Sulpher Springs Valley Electric Cooperative, Inc: Christopher Hitchcock

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24
25 ¹ These are parties who received a copy of the January 27, 1999 procedural
26 recommendation who did not submit suggestions for change to AG/RUCO on January 28, 1999.
The Arizona Consumers Council did telephone the Attorney General's office with the comment
that more time would be appreciated.

1 Trico: Russell E. Jones

2 **B. Parties/Representatives in partial agreement who submitted specific additional**

3 **suggestions for changes to the January 27, 1999 procedural recommendation:** (The proposed
4 changes are noted below in footnotes.)

5 AEPCO, Duncan Valley Electric Cooperative & Graham County Electric Cooperative:

6 Michael Grant

7 ASARCO-Cyprus Climax-AECC: C. Webb Crockett

8 Arizona Public Service Company (APS): Steven Wheeler, Tom Mumaw

9 Enron Corporation: C. Webb Crockett, Jim Tarpey

10 PG&E Energy Services: Lawrence Robertson²

11 Residential Utility Consumer Office (RUCO): Scott Wakefield, Greg Patterson

12 Barbara Wytaske

13 RMI / Law Fund: David Berry

14 Sempra Energy, Sempra Energy Trading: Lex Smith, Michael Schmidt, Jeff Trace

15 Staff, Arizona Corporation Commission: Paul A. Bullis, Ray T. Williamson

16 Tucson Electric Power (TEP): Bradley S. Carroll

17 **C. January 27, 1999 Procedural Recommendation and Suggested Modifications**

18 **1. Amendments to Stranded Cost Order/ Amended Rules Filing**

19 Chief Hearing Officer files revised recommended

20 stranded cost order: February 5, 1999

21 Commission Open Meeting to consider revised

22 stranded cost order: February 17, 1999

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26 ² PG&E Energy Services would prefer a more compressed time frame, but has no alternate proposal.

1 **2. Rulemaking Process:**

2 Parties to submit list of contested rules³ to

3 AG/RUCO: January 28, 1999

4 AG/RUCO submit compendium of contested

5 rules to Hearing Officer: January 29, 1999⁴

6 Hearing Officer submits proposed amended rules to

7 Commission: February 5, 1999

8 Open Meeting to consider commencement of

9 A.P.A. rulemaking process⁵: February 17, 1999

10 **3. Determination of Remaining Issues:**

11 Parties submit list of issues

12 remaining for adjudication to AG/RUCO: February 24, 1999

13 AG/RUCO file consolidated list of issues

14 remaining for adjudication: March 1, 1999

15 Proposed pretrial⁶ conference on remaining

16 issues: March 10, 1999

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22 ³ APS suggested using "rules requiring amendment" instead of "contested rules".

23 ⁴ The LAW Fund pointed out that parties must also submit their proposed rule changes on
24 this date. AEPCO, et. al., suggested adding the language "and parties submit specific comments".

25 ⁵ APS suggested adding "to amend rules" here.

26 ⁶ AEPCO et. al., suggested the word "procedural" instead of "pretrial."

1 **4. Amendments to Stranded Costs and Unbundled Tariffs filings⁷:**

2 Affected Utilities file supplements or amendments to
3 stranded cost filings⁸ and direct testimony
4 if desired⁹:

March 19, 1999

5 **5. Discovery - all parties**

6 Disputes between parties to be handled by agreement of disputing parties¹⁰.
7 Discovery cut-off: See hearing schedule below¹¹.

8 **6. Consolidated hearings on each Affected Utility's stranded cost and unbundled tariffs**
9 **filings¹²**

10 Intervenors and Staff file testimony addressing the Affected
11 Utilities as follows¹³:

12 Citizens April 19, 1999

13 AEPCO April 26, 1999

14
15 ⁷ AEPCO et. al., suggested the deleting of the words "and Unbundled Tariffs filings". APS
16 noted that this topic should be expanded to include all remaining issues. There was general
17 consensus at the January 26, 1999 AG-sponsored meeting that all remaining issues should be
18 resolved through this suggested process.

17 ⁸ AEPCO et. al., suggested adding "if desired" here. APS suggested adding "and
18 unbundled rate" after "stranded cost".

19 ⁹ Trico noted that it wishes to review its unbundled tariffs for possible amendment.

20 ¹⁰ APS suggested adding "first" after the word "handled" and the words "and then, if
21 necessary, by the Chief Hearing Officer" at the end of this line.

22 ¹¹ APS suggested deleting "See hearing schedule below" and substituting "As determined
23 by the Chief Hearing Officer".

23 ¹² AEPCO et. al., suggested adding the words "if appropriate" here.

24 ¹³ ASARCO-Cyprus Climax-AECC and Enron suggested that the hearings first deal with
25 APS's stranded cost and unbundled tariff issues followed by TEP, as these are the most significant
26 issues to be resolved. These parties also suggested removing other Affected Utilities from this
procedural order to emphasize the importance of the APS/TEP resolution to the competitive
process. PG&E Energy Services joined in these two suggestions.

1	APS	May 3, 1999
2	TEP	May 10, 1999
3	Other A.U.s	May 17, 1999
4	Company files rebuttal testimony ¹⁴ :	
5	Citizens	May 3, 1999
6	AEPCO	May 10, 1999
7	APS	May 17, 1999
8	TEP	May 24, 1999
9	Other A.U.s	June 1, 1999
10	Prehearing conference ¹⁵ :	
11	Citizens	April 28, 1999
12	AEPCO	May 5, 1999
13	APS	May 17, 1999
14	TEP	May 19, 1999
15	Other A.U.s	May 27, 1999
16	Hearings:	
17	Citizens	June 7, 1999
18	AEPCO	June 14, 1999
19	APS	June 21, 1999
20	TEP	July 12, 1999
21	Other A.U.s	July 26, 1999

¹⁴ TEP and AEPCO, et. al., suggested changing these dates to one week later to allow for completion of discovery before preparing rebuttal testimony. APS suggested that the time be extended by two weeks. TEP believes there was consensus on this point, but AG/RUCO do not have notes of such consensus.

¹⁵ Staff, RUCO, Attorney General, TEP and AEPCO noted that the prehearing conferences were unusually early and agreed that the prehearing conferences should be a week (no more than two weeks) prior to the hearings. The January 27, 1999 recommended dates were not revised prior to this filing because other parties had not had a chance to review a different set of dates.

1	Simultaneous closing briefs ¹⁶ :	Citizens	June 21, 1999
2		AEPCO	June 28, 1999
3		APS	July 5, 1999
4		TEP	July 26, 1999
5		Other A.U.s	August 9, 1999
6	Open Meeting to consider final Order ¹⁷ :		September 14, 1999

7 **7. Effective Date of Unbundled Tariffs**

8 All unbundled tariffs¹⁸ would be given the same effective date for all companies, date of final
9 order on unbundled tariffs.

10 **8. CC&Ns**

11 CC&Ns would take effect upon granting (for participation in SRP's choice).¹⁹

12 **9. Settlement** Ongoing discussions

13 **Attorney General/RUCO Recommendations**

14 Based on the January 26, 1999 meeting and the comments to the January 27, 1999 procedural
15 recommendation, it is the Attorney General's and RUCO's recommendation to the Chief Hearing
16 Officer that the procedural dates set forth above be incorporated into a procedural order to govern

18 ¹⁶ Staff recommended that there not be specific closing brief dates due to possible changes
19 in hearing length and suggested that "two weeks after the close of the hearing" be the procedural
order's date. APS and AEPCO, et. al., suggested the words "ten days after close of hearing".

20 ¹⁷ ASARCO-Cyprus Climax-AECC and Enron expressed a desire for the Commission to
21 consider a recommended order on APS and TEP no later than August, 1999, and for a final order
22 from the Commission by September 1, 1999 so that competition could begin by October 1, 1999.
These parties said there would be considerable benefit from a full quarter of competition in 1999.
APS's comment to this entry was "inappropriate".

23 ¹⁸ APS suggests adding "including provisions for recovery of stranded costs" at this point
24 in the sentence.

25 ¹⁹ AEPCO, et. al., suggested the following language: "CC&Ns will not take effect for
26 A.U.s until Rules, stranded cost and unbundled tariffs have been approved. Energy Service
Provider CC&Ns may be authorized for the SRP territory prior to that date." APS's comment to
this section was "This is not a procedural issue".

1 the remainder of the electric energy restructuring proceedings with the following changes:

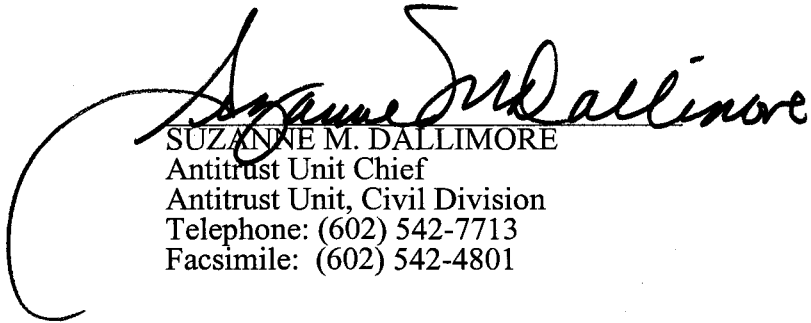
2 Prehearing Conferences:

3	Citizens	June 1, 1999
4	AEPCO	June 7, 1999
5	APS	June 14, 1999
6	TEP	July 5, 1999
7	Other A.U.s	July 19, 1999

8 These prehearing conferences could be scheduled for an hour before, or during an hour's break
9 in, any conflicting hearing.

10 RESPECTFULLY SUBMITTED this 29th day of January, 1999,

11
12 JANET NAPOLITANO
13 ATTORNEY GENERAL

14 
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**ELECTRIC COMPETITION MEETING
RE: PROPOSED PROCEDURAL SCHEDULE
DATED: JANUARY 26, 1999**

SIGN IN SHEET

NAME AND PARTY REPRESENTING:	TELEPHONE:	FACSIMILE:
RAY WILLIAMSON ACC	542-0745	542-2129
DAVID BERRY LNFund/RMI	258-0234	258-2352
Ann NEIDLINGER Fr. Huchwa	258-2343	271-0798
Paul Bullis ACC	542-3402	542-4870
Bradley Carroll TEP	520-884-3945	520-770-2000
Jim Tarpey	303 575-6491	303 524 7607
Webb Crockett	602 916 5333	602 916 5533
Mike Grant	602 530-8291	
Doug C. Nelson	602-395-1612	602-395-1943
Tom Hummer	602-382-6396	(602) 382-6070
Steve Wheeler	602-382-6327	' ' ' '
Robert S Lynch	622-254-5908	602-257-9542
Greg Patterson	279-5659	285-0350
Barb Wytaske	↓	↓
Scott Wakefield	↓	↓
Bill Meek, AUIA	257-9250	254-4300
Paul Michael	248-0372	
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DISTRIBUTION LIST
January 1999**

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Ahlmer, Michelle	Arizona Retailers Assn.	602-833-0009	602-833-0011
Berry, David	RMI/Law Fund	602-258-0234	602-258-2352
Bullis, Paul A. Williamson, Ray	ACC	602-542-3402	602-542-4870
Carroll, Bradley S.	TEP	520-884-3945	520-770-2000
Crockett, C. Webb Shapiro, Jay	ASARCO, Cyprus, Enron & AECC	602-916-5333 602-916-5366	602-916-5533 602-916-5566
Dabelstein, Carl Scott, Deborah	Citizens Utilities	602-532-4424 602-532-4400	602-265-3415 " "
Deibel, David L. Humphrey, Loretta	City of Tucson	520-791-4221 520-743-9633	520-623-9803 520-743-1448
Furuta, Norman	Department of Navy	650-244-2100	650-244-2140
Grant, Michael	AEPCO, Duncan & Graham Electric Cooperatives	602-530-8291	602-257-9459
Higgins, Kevin	AECC	801-355-4365	801-521-9142
Hitchcock, Christopher	Sulphur Springs Valley Electric Cooperative	520-432-2279	520-432-5152
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Nelson, Douglas C.	Calpine Power Services	602-395-1612	602-395-1943

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Smith, Lex J. Patten, Michael	Sempra, Illinova	602-351-8105	602-351-8516 “ ”
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SERVICE LIST for RE-00000C-94-0165 - An original and ten copies of the foregoing Joint Comments to the Rules and Joint Comments re: Proposed Procedural Schedule were filed with Docket Control of the Arizona Corporation Commission this 29th day of January, 1999.

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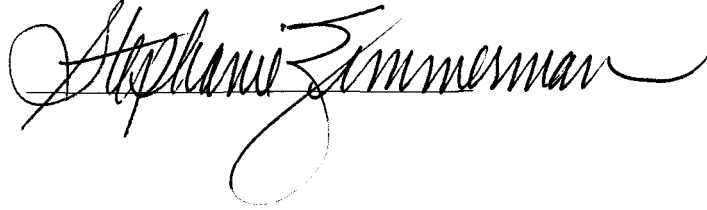
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Phoenix, AZ 85004-1104

Dated this 29th day of January, 1999.

A handwritten signature in cursive script, reading "Stephanie Zimmerman". The signature is written in dark ink and is positioned below the date line.